

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-Dw 715
<p>1. Agency Name & Address:</p> <p style="margin-left: 40px;">Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority:</p> <p>3. Federal Authority:</p> <p>4. Type of Action:</p> <p style="margin-left: 20px;">Adoption _____</p> <p style="margin-left: 20px;">Amendment _____</p> <p style="margin-left: 20px;">Repeal _____</p> <p style="margin-left: 20px;">Readoption _____</p> <p style="margin-left: 20px;">Readoption w/amendment <u> X </u></p>	<p style="text-align: center;">RSA 485:2,V; RSA 485:3, I(c); RSA 485:41, II & IV</p> <hr/> <p style="text-align: center;">42 U.S.C. §300f; 40 CFR 141 Subpart L (§§130-135), Subpart U (§§600- 605), & Subpart V (§§620-629)</p> <hr/>

5. Short Title: **Public Water Systems: Disinfection Residuals, Byproducts, and Byproduct Precursors**

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules, Env-Dw 715, reflect the federal requirements for public water systems to control disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors, as established in 40 CFR 141 Subpart L (§§130-135), 40 CFR 141 Subpart U (§§600-605), and 40 CFR 141 Subpart V (§§620-629). Pursuant to 40 CFR 141.1, such requirements constitute national primary drinking water requirements and so are required to be adopted by RSA 485:3, I. The rules are required for New Hampshire to retain primacy for the public drinking water program.

The rules are scheduled to expire on January 1, 2018, and so are proposed to be readopted so as to retain primacy. **The existing rules will continue in effect until new rules are effective pursuant to RSA 541-A:14-a, I, subject to the conditions stated therein.** As part of the readoption, amendments are proposed to clarify the rules and realign them with the federal requirements, as identified by the U.S. EPA. Specifically, the proposed amendments (1) incorporate certain additional federal definitions; (2) account for the definitions now in Env-Dw 100; (3) correct an error in Env-Dw 715.08 and incorporate 40 CFR § 141.629; (4) more clearly identify the requirements incorporated in Env-Dw 715.09 and Env-Dw 715.10, and (5) revise Env-Dw 715.10 to explicitly state that any transient non-community water system that uses chlorine dioxide or delivers water that has been treated with chlorine dioxide must also comply with 40 CFR §§ 141.600-605 and 40 CFR §§ 141.620-629.

6. (b) Brief description of the groups affected:

The rules affect (a) community water systems and non-transient non-community water systems at which any chemical disinfectant, including chlorine dioxide, is added to the water in any part of the treatment process and (b) transient non-community water systems at which chlorine dioxide is added as a disinfectant or oxidant to the water in any part of the treatment process.

6. (c) Specific section(s) of state statute or federal statute or regulation the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 715	RSA 485:3, I(c) RSA 485:41, II & IV	40 CFR 141 Subpart L (§§130-135); 40 CFR 141 Subpart U (§§600-605); 40 CFR 141 Subpart V (§§620-629)

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7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Holly Green Title: DWGB Rules Coordinator
Address: Dept. of Environmental Services Phone #: (603) 271-3114
29 Hazen Drive; P.O. Box 95 Fax#: (603) 271-0656
Concord, NH 03302-0095 E-mail: Holly.Green@des.nh.gov

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, February 9, 2018**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, January 30, 2018 at 10:00 AM**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 17:185, dated 12/18/17:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

The rules are required under the federal Safe Drinking Water Act (42 U.S.C. §300f) and the federal regulation on the same topic (40 CFR 141 Subpart L (§§130-135), Subpart U (§§600-605), and Subpart V (§§620-629)), in order for the state to retain primacy. Failure to adopt the rules could result in the loss of up to \$8 million in federal grant funding for the Department's drinking water program.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Any costs associated with complying with the requirements are attributable to federal regulations, which would apply regardless of whether the Department adopted the rules. The rules thus do not create, modify, or expand any program in such a way as to require political subdivisions to make any expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.